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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE ESTRADA,

Defendant.

No. CR 06-0375 SI

**STIPULATED MOTION TO
EXTEND BRIEFING
SCHEDULE AND CONTINUE
MOTION HEARING;
PROPOSED ORDER**

Hearing Date: November 17, 2006
at 2:30 p.m.

The Honorable Susan Illston

The parties stipulate to the following:

1. A hearing on Defendant's Motion to Suppress is scheduled in the aforementioned case on November 17, 2006 at 2:30 p.m;
2. On October 11, 2006, defense counsel Elizabeth Falk attempted to meet with Mr. Estrada to obtain a signature on his declaration for the opening motion. Upon arrival at FDC Dublin, Ms. Falk learned that Mr. Estrada had accidentally been transferred to California City Correctional Center in South Bakersfield, California;
3. After further research with the Marshal's Office, it appears that the U.S. Marshal did not know that Mr. Estrada had a pending case. As such, they processed his

1 paperwork with the BOP from the 24 month sentence on Mr. Estrada's supervised
 2 release violation hearing, and placed him into BOP custody to begin serving his
 3 sentence;

4 4. Mr. Estrada is currently in California City Correctional, which is in South
 5 Bakersfield. Given Ms. Falk's trial preparation schedule, it will be very difficult
 6 for her to go to Bakersfield to obtain a declaration over the next two weeks;

7 5. Brian Valaderi of the United States Marshal's Service has informed Mr. Caputo
 8 that Mr. Estrada's transfer will not take place until October 27, 2006. As such,
 9 Ms. Falk will not have ready access to Mr. Estrada until October 27, 2006, at
 10 which time he will be transferred to FDC Dublin;

11 6. Given the circumstances of Mr. Estrada's accidental transfer, the government has
 12 no objection to continuing the motion hearing, or to adjusting the briefing
 13 schedule to enable defense counsel to have an additional two weeks to file the
 14 Opening Motion, as she will not have access to Mr. Estrada until October 27;

15 7. Mr. Estrada is currently serving a 24 month sentence that this Court imposed on a
 16 supervised release violation for an earlier case. As Mr. Estrada is currently
 17 serving a prison sentence, he will not be prejudiced by a delay in the hearing or in
 18 the proceedings;

19 8. As such, counsel jointly requests the following modified briefing schedule and
 20 hearing dates before this Court:

21 **Opening Motion Due:** November 3, 2006;

22 **Response Due:** November 17, 2006

23 **Reply Due:** November 27, 2006

24 **Motion Hearing:** December 1, 2006, at 11:00 a.m. or at a time
 25 convenient for the Court.

26 **IT IS SO STIPULATED.**

27 DATED: October 17, 2006

28 

ANDREW P. CAPUTO
 Assistant United States Attorney

DATED: October 17, 2006

Elizabeth M. Falk
ELIZABETH M. FALK
Assistant Federal Public Defender

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~~PROPOSED ORDER~~

For good cause shown, the hearing and briefing schedule for the hearing on Defendant's Motion to Suppress, are hereby CONTINUED as stated in this stipulation. The hearing will be held on 12/1/06, 2006, at 11:00 a.m.

IT IS SO ORDERED

DATED: 10/23/06

Susan Illston
THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE